APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/472,068	12/23/1999	OSAMU HORI	0039-7484.2S	8278

22850   7590   09/08/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA   22314

EXAMINER
ZIA, SYED

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 July 2003</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) ☐ Other: .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on July 07, 2003 (Paper No. 14) has been entered.

Response to Amendment

1.   This is in response to amendment filed on June 04 (Paper No. 11). Original application

contained Claims 1-21. Applicant amended Claims 1, 3, and 17. Amendment filed on June 04

have been entered and made of record. Therefore, pending Claims 1-21 are presented for further

consideration and examination.

Response to Arguments

1.   Applicant's arguments filed December 30, 2002 have been fully considered but they are

not persuasive because of the following reasons:

        Applicants argued that as recited in the currently amended Claims 1, 3, and 17 the

admitted prior art (APA) [Menard et al. U. S. Patent 6,061,056] merely teaches, *"that broadcast*

signals are received and program signals are generated ",

This is not found persuasive. APA teaches and describes a system and method for

monitoring standard broadcast signals, and includes a user selection unit for inputting criteria

identifying program content of interest to the user. The invention is thus capable of automatic

detection of content in television broadcasts using computers, synchronizing and capturing the

incoming closed captioned text together with the video and audio in a computer environment,

and indexing and retrieval of individual sections of video and audio based on the content of, for

example, closed caption text.

Thus, APA teaches and describes a receiver device for automatically recording programs

of user's interest using the information of an electronic program list send from broadcasting

station.

Applicants clearly have failed to explicitly identify specific claim limitations, which

would define a patentable distinction over prior arts.

Therefore, the examiner asserts that APA does teach or suggest the subject matter broadly

recited in independent Claims 1, 3, 17, 19, and dependent Claims 2, 4-16, 18 and 20-21.

Accordingly, rejections for Claims 1-21 are respectfully maintained.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) do not apply to the examination of this application as the application being examined

was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment

by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Menard et al. U.
S. Patent (6,061,056).

3.   Regarding claims 1, 3, and 19 Menard teaches and describes a system and method for

monitoring broadcast signals, comprising means for receiving the broadcast signals and

generating program signal streams to make available programs carried by said broadcast

signals; user-operable selection means for inputting criteria identifying program content of

interest to a user; a database for storing data representing said criteria; recognition means for

generating from said broadcast signals, for each program stream, a program data stream

separate from said program streams, said program data stream being representative of program

content and changing dynamically therewith; means for synchronizing said program data stream

to said program signal streams; a comparator for comparing said program data stream with said

stored data; means for storing, when said program data stream matches said stored data, a

program segment and the program data stream associated therewith while maintaining

synchronism between the program data stream and the program segment; and display means

permitting the user to examine a portion of a stored program segment by selecting a portion of

the dynamic program data stream corresponding thereto (Fig. 1, and 2). Comprising:

    - forming a program database by dividing multimedia information into items of partial

information and adding program feature data based on the items of the partial information to the

multimedia information in units of the items of the partial information; searching for an item of

partial information which accords with user profile data from the program database based on

matching between the user profile data and the program feature data; and providing the searched

partial information to a user (col. 1 line 66 to col. 2 line 19, and col. 9 line 1 to line 20);

    - a first database configured to store multimedia information; an analyze section

configured to analyze said multimedia information stored in said first database in units of partial

information of the multimedia information using at least one analysis method of moving image

analysis, acoustic/speech analysis, and text analysis (col. 3 line 15 to line 49);

    - a second database configured to divide the multimedia information into items of partial

information based on a result of the analysis by the analyze section and to store program feature

data which is obtained based on the result of the analysis by the analyze section in units of the

items of the multimedia information or program feature data which is externally inputted; and a

search engine configured to search for program feature data from said second database in

accordance with user profile data, and select partial information from said multimedia

information stored in said first database in accordance with searched program feature data (col.

3 line 27 to line 65, and col. 6 line 4 to line 14);

    - classifying information items into plural groups of information items relating to

personal information of a user, some of the groups of information items including plural

subgroups; and describing each information items in the group or the subgroup in an order

according to a priority of the information item, which is determined for each user (col. 9 line 54

to col. 10 line 16).

4.   Regarding Claim 17 Menard teaches and describes a system and method for monitoring

broadcast signals, comprising an information reception apparatus connected to an information

providing server having a database which stores multimedia information and program feature

data which is an analysis result of at least moving image analysis, acoustic/speech analysis, and

text analysis in units of items of partial information of the multimedia information or program

feature data which is externally inputted (Fig-1-2), wherein:

a search engine configured to search for predetermined program feature data from said

second database, and select an item of the partial information from said multimedia information

stored in said database in accordance with searched program feature data (col. 3 line 27 to line

65, col. 6 line 4 to line 14);

5.   Claims 2, 4-8, 11, 14, and 20-21 are rejected applied as above rejecting claims 1, 3 and

19. Furthermore, Menard teaches and describes a system and method for monitoring standard

broadcast signal, and includes a user selection unit for inputting criteria identifying program

content of interest to the user. A database stores data representing the program content criteria,

and a recognition device generates a program data stream representing the program content from

the broadcast signals. A comparator compares the program data with the stored data, and an

output device carries out predetermined action, e.g. recording a segment of the program, when

the program data matches the stored data. The system can be configured to activate a window on

a multimedia PC when pre-selected program material is present in the broadcast signals.

Detecting content of broadcast signals of particular interest to individual viewers, e.g. monitoring

world events for stock brokerage services, etc.; wherein:

- adding commercial feature data to commercial information to form a commercial

database; and providing, to the user, commercial information which accords with the user profile

data based on matching between the user profile data and the commercial feature data when

providing said searched partial information to the user (col. 3 line 10 to line 15);

- a link section configured to obtain a representative image of said partial information,

and construct a display image including said representative image and searched program feature

data (col. 2 line 47 to line 65);

- said user profile data includes information associated with the user's taste (col. 5 line 39

to line 40, and col. 5 line 64 to col. 6 line 3);

- a keyboard configured to input said program feature data to said second database (col. 7

line 65 to line 67);

- a third database configured to store said user profile data (col. 1 line 66 to line 5);

- a fourth database configured to store commercial message information and a fifth

database configured to store commercial feature data, wherein said search engine searches for the

commercial feature data from said fifth database in accordance with the user profile data, and

searches for the commercial message information corresponding to a searched commercial

feature data from said fourth database (col. 5 line 41 to col. 6 line 27);

- a history recording section configured to record a viewing history data of a user (col. 5 line 55 to line 63).

- a display section configured to display the partial information selected by said search engine (col. 7 line 39 to line 51);

- said group of information items including data indicating personal profile of the user; and said group of information items including data indicating taste of the user (col. 5 line 23 to line 30).

6.   Claims 9-10, 12-13, and 15-16 are rejected applied as above rejecting claims 5, 8 and 11. Furthermore, Menard teaches and describes a system, and method where users can automatically be alerted as events occur. Enables automatic detection of content on TV broadcast using computers, synchronizing and capturing incoming closed captioned text together with video and audio, and indexing and retrieval of individual sections of video and audio, based on content, wherein:

- the user profile data include information representing one of a producer, title, character, and genre of the multimedia information; and said search engine searches for program feature data from said second database, and data which matches a thesaurus of the program feature data (col. 6 line 28 to line t 65);

- said viewing history data represents a user, start and end time of watch, and program feature data of information watched by the user (col. 5 line 51 to line 55);

- a third database configured to store said user profile data; and a rewrite section

configured to rewrite the user profile data stored in said third database in accordance with said

viewing history data (Fig.3, and col. 6 line 57 to line 65);

- a display section configured to display the partial information selected by said search

engine and display the commercial message information selected by said search engine as a

banner; and a display section configured to display the partial information selected by said search

engine and display the commercial message information selected by said search engine as a sub
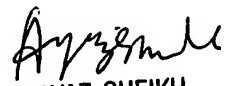
window (col. 4 line 63 to col. 5 line 22).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 703-305-3881. The examiner can normally be reached on Monday - Friday 9:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-7240.

sz
September 3, 2003

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100